

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>Christopher S. Mann,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 8:07CV479</b>
	)	
<b>vs.</b>	)	
	)	
<b>Mobile Media Enterprises, LLC,</b>	)	<b>ORDER</b>
	)	
<b>Defendant.</b>	)	<b>(Rulings on Filing No. 130)</b>

**PLAINTIFF CHRISTOPHER MANN'S OBJECTIONS TO DEFENDANT'S  
DESIGNATIONS OF DEPOSITIONS FOR TRIAL (Filing No. 130)**

1. Plaintiff objects to Defendant's designation of Ross Mosher's entire deposition transcript.

In addition, Plaintiff objects to :

Page 60, line 5 – page 64, line 2 on the basis of hearsay.

Page 64, line 10 – page 65, line 13 on the basis of hearsay and that it calls for speculation and lack of foundation. **OVERRULED.**

Page 76, lines 18 – 20 on the basis of lack of foundation and that it calls for speculation. **OVERRULED.**

Page 76, line 24 – page 80, line 13 on the basis of lack of foundation, calls for speculation, and hearsay. **OVERRULED.**

Page 84, line 4 – page 86, line 2 on the basis of hearsay. **OVERRULED.**

Page 87, lines 16 – 25 on the basis of form and hearsay. **OVERRULED.**

Page 88, line 22 – page 89, line 3 on the basis of hearsay, relevancy, and calls for speculation. **OVERRULED.**

Page 89, line 23 – page 90, line 3 on the basis of relevancy. **OVERRULED.**

2. With regard to Defendant's designations of Andrew Kloack's deposition, Plaintiff objects to:

Page 15, line 22 – page 17, line 7 on the basis of relevancy. **SUSTAINED AS TO RELEVANCY.**

Page 20, line 25 – page 21, line 11 on the basis of lack of foundation and it that it calls for speculation. **OVERRULED.**

Page 21, line 12 – page 22, line 16 on the basis that it calls for speculation. **OVERRULED.**

Page 27, line 2 – page 28, line 23 on the basis of hearsay, lack of foundation, and that it calls for speculation. **SUSTAINED AS TO HEARSAY.**

Page 30, lines 15 – 25 on the basis of the Rule of Completeness and hearsay. **SUSTAINED.**

Page 31, line 10 – page 33, line 8 on the basis of hearsay and lack of foundation. **SUSTAINED AS TO HEARSAY.**

Page 44, line 20 – page 46, line 1 on the basis of hearsay, lack of foundation, assumes facts not in evidence, and that it calls for speculation. **SUSTAINED AS TO HEARSAY.**

Page 49, lines 3 – 7, on the basis of lack of foundation. **OVERRULED.**

Page 52, line 18 – page 53, line 20 on the basis of relevancy. **OVERRULED.**

3. With regard to Defendant's designations of Christopher Mann's deposition, Plaintiff objects to:

Page 41, lines 9-15 on the basis that line 9 is not the beginning of a question. **SUSTAINED ON THE BASIS THAT LINE 9 IS NOT THE BEGINNING OF A QUESTION.**

Page 42, lines 13-16 on the basis that the question is argumentative and ambiguous. **OVERRULED.**

Page 44, lines 21- 23 on the basis that it is a compound question. **OVERRULED.**

Page 19 on the basis that no question is pending. **SUSTAINED AS TO LINE 1.**

Page 21, line 1 on the basis that it is not a complete sentence. **OVERRULED.**

4. With regard to Defendant's designations of Steven Ellis, M.D.'s deposition, Plaintiff objects to:

Page 11, lines 9 – 25 on the basis that it is irrelevant. **OVERRULED.**

Page 12 on the basis that it is irrelevant. **OVERRULED.**

Page 17 on the basis that it calls for speculation and the opinions stated are not stated to a reasonable degree of medical certainty. **OVERRULED.**

Dated this 8<sup>TH</sup> day of June 2010.

BY THE COURT:

S/ F. A. Gossett  
United States Magistrate Judge